IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 15823 of 2004

Between:

Smt.Madhu Malini, W/o.Surender Reddy,
R/o.Repallawada Village, Satyavedu mandal,
Chittoor Dist.

..... PETITIONER

AND

1 The Jt.Collector, Chittoor Dist. at chittoor.
2 The R.D.O., Tirupati, Chittoor Dist.
3 M.R.O., Satyavedu, Chittoor Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of writ of Mandamus, declaring the proceedings No.Loc.No.C/724/04 dt.19-8-2004 issued by the 2nd respondent calling for applications in respect of the fair price shop at Repallewada Village, satyavedu Mandal, Chittoor District, of which the petitioner was having authorization, as being illegal, arbitrary, malafide, violative of principles of natural justice and violative of Articles 14 and 19 of the Constitution of India and consequently suspending the operation of the said proceedings and also direct the respondents to forthwith permit the petitioner to run the said fair price shop.

Counsel for the Petitioner:SMT.W.V.S.RAJESWARI

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The authorization of the petitioner was cancelled by the Revenue Divisional Officer on certain allegations. Petitioner preferred an appeal before the Joint Collector, aggrieved by the order of cancellation, together with an application for grant of stay. The grievance of the petitioner is that no orders have been passed by the appellate authority on the stay petition so far, and appropriate directions are sought.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner was issued a show cause notice, and on consideration of the explanation submitted in pursuance of the same, the authorization was cancelled. The question as to whether the order of cancellation suffers from any illegality or infirmity, needs to be considered in the appeal. This Court is not inclined to permit the petitioner to function as the fair price shop dealer, till the appellate authority passes orders either in the stay petition or in the appeal. The interest of the petitioner can be protected by directing that no regular appointment is made in the meanwhile.

Hence, the writ petition is disposed of directing that the appellate authority shall pass appropriate orders in the appeal preferred by the petitioner, within six weeks from the date of receipt of a copy of this order. It is further directed that no permanent dealer shall be appointed in the place of the petitioner till the disposal of the appeal. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 13th December, 2004

Note: Furnish copy in two days.

(B/o.)

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To

1 The Jt.Collector, Chittoor Dist. at chittoor.
2 The R.D.O., Tirupati, Chittoor Dist.
3 M.R.O., Satyavedu, Chittoor Dist.

4.2CCs to G.P. for Civil Supplies, High Court Buildings,

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